

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeremy Allen Hewitt, #303829,)	
)	C/A No. 0:09-2608-MBS-PJG
Plaintiff,)	
)	
vs.)	
)	
S.C. Dept. of Corrections; Ms. Hodge,)	
Mailroom Clerk; Ms. Bradley, Grievance)	ORDER
Officer; Mr. Knowlin, Warden; John)	
Ozmint, Director,)	
)	
Defendants.)	
_____)	

Plaintiff Jeremy Allen Hewitt is an inmate in custody of the South Carolina Department of Corrections (SCDC). Plaintiff filed the within complaint on October 6, 2009, alleging that Defendants have violated his constitutional rights in various respects. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act of 1996. On April 2, 2010, the Magistrate Judge issued a Report and Recommendation in which she noted that SCDC is entitled to immunity under the Eleventh Amendment. Accordingly, the Magistrate Judge recommended that SCDC be summarily dismissed as a Defendant. No party filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. SCDC is summarily dismissed without prejudice and without issuance and service of process. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

April 29, 2010.